

Environment and Community Development

RESOLUTION NO. 204290

**RE: AUTHORIZING AGREEMENT ASSURING WASTEWATER
AUTHORITY'S RIGHT TO CONSTRUCT WATER LINE OVER
EASEMENT ON MAYBROOK RAIL ROAD LINE**

Legislators KENDALL, REILLY, COOPER, and LAFRANCE
offer the following and move its adoption:

WHEREAS, on August 30, 1984, the County of Dutchess (County)
acquired from Conrail the former Maybrook Rail Road Line (Maybrook) running from
the City of Poughkeepsie to the Hamlet of Hopewell Junction for future use by the
County, and

WHEREAS, Maybrook was constructed by the Dutchess Railroad
Company in the late nineteenth century in connection with the construction of the
Poughkeepsie Rail Road Bridge, and

WHEREAS, Maybrook consists of a strip of land approximately 12 miles
in length and 60 feet wide throughout, and

WHEREAS, the original line and subsequent realignments were acquired
by the Dutchess Railroad Company and its successors in interest through largely deed
acquisitions and some condemnations with various grade, overhead and subsurface farm
crossings reserved, many of which interests were abandoned, and

WHEREAS, recent surveys and field observations have revealed
additional crossings and encroachments along the line, and

WHEREAS, the Dutchess County Water and Wastewater Authority
(WWA) is proceeding with a project to construct a water line along Maybrook for the
transmission of water from the Fairview Pump Station in the Town of Poughkeepsie
southerly through the Towns of LaGrange, Wappinger and East Fishkill, and

WHEREAS, WWA will be installing said pipe line on an easement
granted by the County to WWA, and

WHEREAS, the County Attorney's Office and the Department of Public
Works are in the process of investigating old farm crossings and any other interests that
may exist along said right of way and to negotiate agreements and releases where
appropriate and to take such other steps necessary to eliminate any of these rights for the
benefit of WWA in connection with the installation of the pipe line and the County in
connection with its use and enjoyment of said property as a rail trail, and

WHEREAS, this Legislature, by Resolution No. 202136, determined that the construction of the proposed water line would not have an adverse impact on the environment, and

WHEREAS, it is in the best interests of the County to resolve these matters and to assure WWA of its ability to proceed with the project in anticipation of the completion of the necessary investigative work, as well as the procurement and placement of agreements and releases and all other procedures to provide WWA necessary assurance in the form of an agreement with the County, now, therefore, it is hereby

RESOLVED, that in order to assure the Dutchess County Water and Wastewater Authority of its ability to proceed with the construction of a water line on an easement over the Maybrook Line from Poughkeepsie to East Fishkill, the County Executive is hereby authorized to execute an agreement by the terms of which the County will take all steps necessary to remove, by acquisition or otherwise, any interests that may remain from the original acquisition by the railroad as well as any unrecorded interests or encroachments that have arisen from the time of the original acquisition and to provide the Dutchess County Water and Wastewater Authority with all assurances it deems necessary to proceed with the execution of construction contracts for the installation of the water line without interference or delay.

CA-221-04
IGM/ca/G-0585
10/18/04

Fiscal Impact: Fiscal Impact: See statement attached to bond resolution.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 21st day of October, 2004, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 21st day of October, 2004.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

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